

CHAPTER 12

PROCEDURAL GUIDELINES

INTRODUCTION

Adoption of the *20-Year Plan* does not complete the land use planning process. This chapter differs in format from other chapters because it establishes procedures and criteria shall be followed for the ongoing implementation and updating of the *20-Year Plan* as established in Washington Administrative Code 365-195.

PLAN INTERPRETATION

The *20-Year Plan* provides a guide and regulatory framework for development in Clark County that reflects the community vision of a desirable community. Plan policies are identified by number at the end of each chapter. Because of the general nature of the *20-Year Plan* policies, conflict between and among these policies is possible. The following general rules of construction are intended to be used in interpreting the *20-Year Plan*:

- Policies are intended to be read as mutually supportive, and all are intended to be read together so that each has meaning.
- When conflicts arise between policies, the policy which is more specific shall prevail.
- The *20-Year Plan Map*, or future proposals to amend the *20-Year Plan Map*, should reflect and be based upon the *20-Year Plan* policies in the text.
- When conflicts arise between the *20-Year Plan* policies and the *20-Year Plan Map*, the *Map* shall prevail.
- The *20-Year Plan* is consistent with the statewide goals and carries out in more detail the *Community Framework Plan*. The *20-Year Plan* also contains strategies which, in contrast to policies, are not intended to be directive but are suggested as a means to carry out the *Plan*. Other strategies to carry out the

plan may also be available, and in some cases preferred.

AMENDMENTS TO 20-YEAR PLAN

Amendments to the *20-Year Plan* fall into several major categories or types and different review application and review criteria are applied. The kinds of amendments identified in this section are: urban growth boundary changes, (both major and minor), *20-Year Plan* policy or text change, *20-Year Plan Map* change, changes to supporting material (such as capital facilities) emergency amendments, regional facilities, technical errors or omissions, and special implementation procedures. Each of these types of amendments are described, criteria are identified as appropriate, the persons or parties responsible or authorized to initiate amendments are identified and procedural steps are identified as appropriate.

Urban Growth Boundary Changes

A comprehensive review will be initiated and considered by the county and applicable city a maximum of once every five years.

Boundary amendments may be approved only when it is shown by the proponent (county or city) that the supply of available land is insufficient to accommodate anticipated growth. Criteria used to determine where and how much land should be added to the urban area are:

- The amendment shall be consistent with the following adopted plans: *Community Framework Plan*, county *20-Year Plan*, local comprehensive plans, applicable capital facilities plans and official population growth forecasts.
- The amendment shall be within an urban reserve or urban reserve overlay area.
- The amendment shall not include lands that are designated as natural resource

(agricultural, forest, mineral resources) unless the lands are designated with an industrial urban reserve overlay or urban reserve overlay.

- The amendment demonstrates that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner. Such services include water, sewage, storm drainage, transportation, fire protection and schools.
- The amendment shall address the assumptions, trends, key indicators and performance measures established in the *Land Use Element, Chapter 2*.
- The amendment would be compatible with contiguous development within the urban growth area and proposed development shall occur at urban intensity.
- When a proposed adjustment abuts a designated natural resource activity, the use shall be compatible with the resource.
- The amendment is reviewed by the Planning Commission and Board of Commissioners as described in the review and notification section below.
- Unless otherwise required by the county, boundary line amendments shall be made with parallel changes to the *Comprehensive Plan Map and Zoning* map for the affected properties.

Plan Policy or Text Change

- Considered by the county a minimum of once every five years. May be considered through the annual review process, once a year.
- Five year update initiated by county. Annual review requests initiated by interested person(s).
- Policy and text amendments may be approved only when it is shown by the proponent (county is proponent for five year update; county, city or interested person(s) as proponent for annual review applications) that the amendment shall be consistent with the state *Growth Management Act* and the following adopted plans: *Community*

Framework Plan, 20-year Plan, each city's comprehensive plan as applicable, applicable capital facilities plans and official population growth forecasts.

- Reviewed by Planning Commission and Board of Commissioners as described in the review and notification section below.

20-Year Plan Map Amendment

- Considered by the county a minimum of once every five years.
- Considered by application through the annual review process, once a year.
- Five year update initiated by county. Annual review requests initiated by property owner or interested person(s).
- Map amendments may be approved only when it is shown by the proponent (county is proponent for five year update; city is proponent for city initiated amendments; property owner or interested person(s) is proponent for annual plan map change applications) that the supply of available land in the requested plan designation may be insufficient to accommodate anticipated growth. Criteria used to determine where, when and how much land in a specific land use category should be added are:
 - a. The amendment shall be consistent with the state *Growth Management Act* and the following adopted plans: *Community Framework Plan, 20-Year Plan*, each city comprehensive plan as applicable, applicable capital facilities plans and official population growth forecasts.
 - b. The amendment shall meet the location criteria for the requested designation.
 - c. Except for industrial amendments, demonstrate that conditions have substantially changed since plan adoption and the plan amendment /rezone must bear a substantial relationship to the public health, safety, morals or welfare.

- d. The proponent demonstrates that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner. Such services include water, sewage, storm drainage, transportation, fire protection and schools.
 - e. The requested change will not impact the character of the area to the extent that further plan map amendments will be warranted in future annual reviews unless the scope of the amendment is expanded. The county may expand the scope of any annual review.
 - f. Unless otherwise required by the County, applications for map amendments shall be accompanied by parallel rezone applications.
 - g. Reviewed by Planning Commission and Board of Commissioners as described in the review and notification section below.
- To attract a large employer of more than 50 workers or retain an existing large employer. Applications of this type requesting an industrial amendment shall include the reasons the amendment needs to be considered outside the annual review process.
 - To provide a regional facility/service that is needed to protect the public health, safety or welfare including waste disposal transfer sites, sewer treatment plants, port or airport facilities or significant state or local government facilities that cannot be reviewed through another process.
 - In the development of a countywide plan and implementing zoning map it is possible that technical errors in mapping or obvious errors in applying plan map or zoning map designations may occur. These mistakes can be corrected by making an application at any time during the first year following adoption of the *20-Year Plan Map* or zoning map. The applicant needs to demonstrate that an obvious error occurred. The application can be initiated by the county, property owner or interested person(s). After the first year these applications shall be:
 - a. Considered once a year.
 - b. Limited to correcting an error.

Other Planning Documents

Capital Facilities Plans

Updates are reviewed annually in public hearings by the Clark County Planning Commission and Board of Commissioners for those facilities subject to county jurisdiction.

County Road Improvement Plans

Annual updates are reviewed in public hearings by the Clark County Planning Commission and Board of Commissioners.

Parks, Recreation and Open Space Plan

Annual updates are reviewed by the Clark County Parks Advisory Board and the Board of County Commissioners, except amendments to the park impact fee ordinance, which are reviewed in public hearings by the Planning Commission and Board of County Commissioners.

Emergency Amendments

The *1990 Growth Management Act (GMA)* precludes considering amendments to the *20-Year Plan* more than once a year. However, emergency amendments may be considered at any time if the following situations arise:

Special Implementation Procedures

The comprehensive plan map contemplates two land use methods to assure the adequacy of public facilities needed to support urban development within urban growth areas (1) Contingent Zoning which applies an "X" suffix with the urban zone and (2) applying an Urban Holding District combined with urban zoning.

Contingent Zoning

In order to assure the adequacy of public facilities and services (primarily the arterial road system) needed to support urban area-wide infrastructure, the implementation of certain urban zone designations is contingent upon a demonstration that needed improvements will be in place at the time urban development is available for occupancy and use. Such contingent zone designations are denoted by adding the suffix "X" on the zoning map, with the required improvements

being enumerated within the *20-Year Plan* in *Chapter 12, Contingent Zoning Section*. Upon demonstration of evidence satisfactory to the board that the required public facility or public service improvements will be timely made, the board shall by resolution affect such zoning by deleting the suffix "X" from the zoning map. Such action shall not constitute a rezone or be subject to a public hearing process: PROVIDED, that the responsible official's SEPA determination shall be subject to administrative appeal as provided for in Section 20.50.030. Until final action by the board deleting the suffix "X", any development within a contingent zoning district shall be processed under the regulation applicable to the Rural Estate (RE) district.

Urban Holding

In addition to the administrative method of removing the "X" suffix above, the county applies the Urban Holding districts with an underlying urban zone when development policies require a legislative action prior to urban development occurring. In these cases, identified criteria is established that must be met in order to remove the urban holding zoning and authorize an urban zone which is consistent with the *Comprehensive Plan*. Under certain circumstances a *Master Plan* which includes how and when an area develops and with what uses, may be required. In other cases, city plan policies may require annexation prior to development. Generally, urban services and facilities will also be needed or assured prior to rezoning. It may also be possible to move this category to a "contingent zoning" category where the specific situation warrants.

Vancouver Urban Growth Area

The following improvements and conditions must be met prior to, or in conjunction with removal of the Urban Holding zone:

1. Urban Area -East Of Interstate-5, North/Northeast Of The WSU Property North Of Salmon Creek Designated Office Campus On The Comprehensive Plan Map.
 - a. Complete a *Master Plan*.
 - b. Assure level of service standard will be maintained at the I-5/179th Street interchange by financing shore term improvements.

- c. Assure that appropriate public services support the development of the area, including sewer, water, transportation and fire service.
- d. Complete a feasibility analysis by WSU and Columbia Economic Development Council.
- e. Adoption of the University Research Park District.

1. Areas designated Urban Residential on the *Comprehensive Plan Map* are zoned Urban Holding - 10 and those designated industrial are zoned Urban Holding - 20. These areas may develop for more intensive uses through a change in zoning enacted through annexation to the City of Vancouver or consistent with the *Intergovernmental Agreement*, the city's land use plan, that the full urban services can be provided and a covenant relative to annexation is executed if immediate annexation is not geographically feasible. Urban Holding designations cannot be removed unless the City assures that public services will be provided prior to, or in conjunction with development.

Battle Ground Urban Area

Areas designated Urban Residential on the *Comprehensive Plan Map* are zoned Urban Holding - 10 and those designated industrial or Business Park are zoned Urban Holding - 20. These areas may develop for more intensive uses through a change in zoning enacted through annexation to the City of Battle Ground or consistent with the *Intergovernmental Agreement*, the city's land use plan, that the full urban services can be provided and a covenant relative to annexation is executed if immediate annexation is not geographically feasible. Urban Holding designations cannot be removed unless the City assures that public services will be provided prior to, or in conjunction with development.

La Center Urban Growth Area

Areas designated Urban Residential on the *Comprehensive Plan Map* are zoned Urban Holding - 10. These areas may develop for more intensive uses through a change in zoning enacted through annexation to the City of La Center or consistent with the

Intergovernmental Agreement, the city's land use plan, that the full urban services can be provided and a covenant relative to annexation is executed if immediate annexation is not geographically feasible. Urban Holding designations cannot be removed unless the City assures that public services will be provided prior to, or in conjunction with development.

Ridgefield Urban Growth Area

Areas designated Urban Residential on the *Comprehensive Plan Map* are zoned Urban Holding -10 and those designated industrial or Business Park are zoned Urban Holding - 20. These areas may develop for more intensive uses through a change in zoning enacted through annexation to the City of Ridgefield or consistent with the *Intergovernmental Agreement*, the city's land use plan, that the full urban services can be provided and a covenant relative to annexation is executed if immediate annexation is not geographically feasible. Urban Holding designations cannot be removed unless the City assures that public services will be provided prior to, or in conjunction with development.

Washougal Urban Growth Area

Areas designated Urban Residential on the *Comprehensive Plan Map* are zoned Urban Holding - 10 and those designated industrial or Business Park are zoned Urban Holding - 20. These areas may develop for more intensive uses through a change in zoning enacted through annexation to the City of Washougal or consistent with the *Intergovernmental Agreement*, the city's land use plan, that the full urban services can be provided and a covenant relative to annexation is executed if immediate annexation is not geographically feasible. Urban Holding designations cannot be removed unless the City assures that public services will be provided prior to, or in conjunction with development.

Camas Urban Growth Area

Areas designated Urban Residential on the *Comprehensive Plan Map* are zoned Urban Holding - 10. These areas may develop for more intensive uses through a change in zoning enacted through annexation to the City of Camas or consistent with the *Intergovernmental Agreement*, the city's land use plan, that the full urban services can be provided and a covenant relative to annexation is executed if immediate annexation is not geographically feasible. Urban Holding designations cannot be removed unless the City assures that public services will be provided prior to, or in conjunction with development.

Woodland Urban Growth Area

Areas designated Urban Residential on the *Comprehensive Plan Map* are zoned Urban Holding -10. These areas may develop more intensive uses through a change in zoning enacted through annexation to the City of Woodland or consistent with the *Intergovernmental Agreement*, the city's land use plan, that full urban services can be provided and achievement relative to annexation is executed if immediate annexation is not geographically feasible. Urban Holding designations cannot be removed unless the city assures that public services will be provided prior to, or in conjunction with development.

Zone To Zone Consistency

To address the Zone to Zone Consistency between the zoning categories within certain urban growth areas and the county's zoning categories the following table was developed. Those urban growth areas not identified in this table have developed zoning categories consistent with those found in the county zoning code.

Table 12.1 City Zone to County Zone Consistency Chart

ZONE	R1-5/6	R1-7.5	R1-10	R1-20	R-12	R-18	R-22	R-22	R-30	R-43
BATTLE GROUND										
R1-15										
R1-10										
R1-7.5										
R1-6										
R-22										
R-16										
R--10										
CAMAS										
R1-12.5										
R1-10										
WASHOUGAL										
R1-15										
R1-10										
R1-7.5										
R1-5										
R-16										
R-22										
RIDGEFIELD										
RI-7.5										
R1-8.5										
R-16										

Shaded areas indicate allowed zones in each designation

GOVERNMENTAL COORDINATION

Clark County, with each city and town, will provide for annual review processes. These update periods shall be established to occur within each jurisdiction not to exceed once a year.

- a. After November 30, distribute copies of pre-application forms submitted by applicant to affected city and agencies;
- b. between October 15 and January 1, complete pre-application meetings with county staff, applicants and affected city and agencies in attendance;
- c. between January 1 and February 15, distribute technically completed applications with any additional

information to affected jurisdictions to facilitate their review process;

- d. in coordinating with the county, the cities shall submit written recommendations or additional information to the county;
- e. the county shall circulate initial review including SEPA determination and other pertinent information to the affected city and agencies; and
- f. the county will schedule public hearings before Clark County Planning Commission followed by public hearings before the Board of County Commissioners.

These annual reviews shall meet the following criteria:

- Each urban area annual review shall assess the cumulative impacts of all potential or requested changes to the *20-Year Plan Map* and policies throughout the urban area and, further, on the countywide plan.
- Proposals that would result in urban development outside of an adopted urban boundary shall not be permitted.
- Cities, special districts and Clark County shall cooperate to preserve and protect natural resources, agricultural lands, open space and recreational lands within and near the urban areas.

In addition to plan amendments or updates initiated by the county or applicable city, individual annual review applications may be submitted once a year to the applicable jurisdiction based on a schedule adopted by that jurisdiction. To the extent possible, the same schedule should be adopted by the county and each city/town for each urban area to facilitate mutual review and assessment of the criteria in *Governmental Coordination, Section A*, above. Where no agreement exists between the applicable city and the county or the amendment request is in the rural area, annual review applications and plan update requests shall be submitted in December of each year and processed by geographic areas of the county during the following year.

PLAN AMENDMENT, PUBLIC NOTIFICATION AND PUBLIC HEARING PROCESSES

All private applicants (except for those alleging an error in drafting or judgment) requesting amendment to the *20-Year Plan* text, policies or map must file for a pre-application conference prior to or in conjunction with submittal of a formal application.

Prior to, or in conjunction with, initiating a formal review of the application, the applicant shall participate in a pre-application meeting with staff and shall receive a written staff review of the submitted information. If the applicant requests, or is required to seek a simultaneous rezone, such application and fee shall be submitted. The applicant shall have two weeks from the receipt of the staff report to

submit additional applications or written information to the county.

All plan map amendment public hearings shall have public notice issued at least fifteen calendar days before the date of a hearing. The notice shall be published in a newspaper of general circulation which includes a summary of the request and its location, the date, time and place of the hearing. The notice shall also be mailed to the applicant and owners of the property within a radius of 300 feet of the subject property as shown on the records of the County Assessor. The notice shall also be posted by county staff in three conspicuous places on or in the vicinity of the site and removed by the applicant within fifteen calendar days after the public hearing date. The applicable neighborhood association(s) where the property is located shall also receive notice.

The Clark County Planning Commission shall conduct the public hearing and make a written recommendation to the Board of Commissioners. The Board will automatically schedule a public hearing for all cases recommended for approval by the Planning Commission.

All cases recommended for denial by the Planning Commission shall be considered final unless appealed by the Planning Director or, upon payment of the public hearing appeal fee, by any affected party. All appeals of a Planning Commission recommendation for denial shall be administratively considered by the Board of Commissioners at one time by each urban area or the rural area. The Board will schedule public hearings only on those cases where the Board finds that the Planning Commission recommendation may have been made in error or the Board concludes that the Planning Commission decision raises a significant and unresolved land use policy issue that warrants immediate consideration.

DISPUTE RESOLUTION

Traditional approaches to conflict are not set up to help parties resolve their differences; rather they are designed to decide an issue. The dispute mediation process allows for consensus building and can be used in disputes at the neighbor level, disputes between jurisdictions or disputes at the policy setting level.

The *Washington State Dispute Resolution Act*, RCW 7.75 allows the County to place a surcharge on Civil and Small Claims filing fees for funding a dispute resolution center. Assisted mediation services may be available through a County operated Dispute Resolution Center or through the selection of a private facilitation/mediation service provider.

It is therefore the policy of Clark County to encourage the use of alternative dispute resolution techniques, recognizing the cost, complexity and adversarial nature of resolving neighborhood and community disputes through the traditional hearing process.

COOPERATIVE AGREEMENTS AND INTERJURISDICTIONAL GUIDELINES

A significant degree of cooperation and coordination between the county, cities and other service providers is required to manage land use in the urban and rural areas. Policies covering interagency cooperation, land use planning and development review, urban service provisions and boundary amendments are needed to set the county wide framework for interjurisdictional agreements.

Establish interagency planning teams to develop ongoing coordination programs within the rural area and each urban area to include the county, all cities and towns, all special districts (including school districts, Clark Public Utilities, Southwest Washington Health District, Hazel Dell Sewer District, port districts and fire districts). These teams shall develop:

- Specific procedures for affected agencies, jurisdictions and special districts to participate, review and comment on the proposed plans and implementation measures of the others to assure consistency with the *20-Year Plan*.
- Specific coordination procedures for affected agencies, jurisdictions and special districts to periodically review,

at a minimum of every five years, the capital improvement plans, to enhance, improve and focus concurrency management plans and to assure consistency with all other elements of the *20-Year Plan*. Such procedures shall include an inventory of the location and capacities of the public facilities to include, at a minimum, public roads, public water and sewer systems, storm water facilities, schools, parks and recreational facilities and police and fire protection services. Where inconsistencies are identified between the Capital Facilities and Utilities element, including financing assumptions and actual financing, and the other plan elements, the procedures shall ensure that appropriate plan amendments are made to eliminate those inconsistencies.

- Specific procedures to improve joint efforts or the combining of operations (e.g., roads, sheriff/police departments, fire departments) to achieve greater efficiency and effectiveness in service provision.

LAND USE PLANNING IMPLEMENTATION MEASURES AND ANNEXATION

- City/town and county adopted implementation measures shall be, to the extent possible, consistent within all urban areas.
- Cities/towns shall not annex territory beyond the adopted urban growth boundaries. Clark County shall not permit urban growth to occur outside of adopted urban boundaries.
- The rural area of Clark County shall be comprehensively reviewed independently of the urban area updates, or in conjunction with one urban area review, and should not occur more than once every five years.